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Intellectual Ventures I LLC,
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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ELOQUI VOICE SYSTEMS, LLC,
Plaintiff,
vs.
NUANCE COMMUNICATIONS INC.,
Defendants.

Case No. 2:17-cv-00890-JAK-SS

The Hon. John A. Kronstadt

**INTELLECTUAL VENTURES
ASSETS 31, LLC'S LR 79-5.2.2(a)-
(b) APPLICATION TO SEAL
PORTIONS OF BRIEFING AND
DECLARATION RELATED TO
NUANCE'S MOTION TO DISMISS**

Pursuant to Local Rule 79-5.2.2(b) Non-Party Intellectual Ventures Assets 31 (“IV 31”) respectfully files this Application to Seal Portions of Briefing and Declaration Related to Defendant Nuance Communications Inc.’s (“Nuance’s”) Motion to Dismiss (Dkt. No. 38) (“Application”).¹ IV 31 seeks to seal and maintain permanently under seal portions of Nuances’ Motion to Dismiss for Lack of Standing (“Motion”) (Dkt. No. 38), Plaintiff Eloqui Voice Systems LLC’s

¹ Because this Court’s Standing Protective Order extends to non-party witnesses such as IV 31 (*see, e.g.*, Dkt. No. 11 at 2.1 (“Any party or non-party who designates information or items for protection under this Order . . . ”)), IV 31 does not believe a Motion to Intervene for a Limited Purpose is necessary to bring this application to protect IV 31’s confidentiality interests.

1 (“Eloqui’s”) Opposition to Defendant’s Motion to Dismiss for Lack of Standing
 2 (“Opposition”) (Dkt. No. 43), the Declaration in Support of that Opposition
 3 (“Declaration”) (Dkt. No. 43-1), and Nuances’s Reply to Eloqui’s Opposition
 4 (“Reply”) (Dkt. No. 44). Counsel for IV 31 has conferred with counsel for Eloqui
 5 and Nuance, and neither party opposes this application. *See* LR 7-5.2.2(a)(i).

6 IV 31 is in the business of patent licensing, sale, and acquisition. *See*
 7 Weisfield Decl. ¶ 10. Along with its affiliates, IV 31 manages and develops
 8 intellectual property across a wide range of technologies and scientific disciplines.
 9 IV 31 is not a party to the present litigation, but rather is the former owner of the
 10 patents asserted here. IV 31 sold those patents to Eloqui before this litigation began.
 11 *See* Dkt. No. 26 (Patent Sale Agreement or “PSA” between Eloqui and Nuance).

12 The PSA between IV 31 and Eloqui is highly confidential, and this Court has
 13 already found that good cause existed to keep that document under seal. *See* Dkt.
 14 No. 36 (June 22, 2017 Order Granting Plaintiff’s Ex Parte Application to Seal
 15 Declaration – Exhibit A to Motion to Dismiss (Patent Sale Agreement)). This
 16 Application should be granted because the Motion, Opposition, Declaration, and
 17 Reply all quote from and discuss the confidential terms of the PSA. *See, e.g.*, Dkt.
 18 No. 38 at 6–7; Dkt. No. 43 at 3; Dkt. No. 43-1 at 4; Dkt. No. 44 at 10. If those
 19 confidential terms remain on the public docket, non-party IV 31 would suffer
 20 competitive harm because its partners, competitors, and potential competitors
 21 would have access to the specific terms to which IV 31 agreed with Eloqui. *See*
 22 Weisfield Decl. ¶ 10. Further, other IV 31 customers and potential customers
 23 frequently require strict confidentiality when engaging in licensing and divestiture
 24 transactions with IV 31, and those customers expect that the terms of those
 25 transactions will remain confidential *See id.* Neither party has articulated any harm
 26 it will suffer by having portions of the Motion and associated briefing under seal,
 27 and IV 31’s interest in maintaining the confidential information under seal

outweighs any public interest in disclosure.

IV 31 requests narrowly tailored relief: IV 31 only seeks to maintain under seal the portions of the Motion and related briefing that discuss or quote from specific provisions of the PSA. *See* Weisfield Decl. Exs. 1-4 (Motion, Opposition, Declaration, and Reply with proposed redactions highlighted).

IV 31 respectfully asks the Court to immediately seal the four documents cited above, and then direct Nuance and Eloqui to file redacted copies in the form attached to the Weisfield Declaration. This will protect IV 31's confidential, designated information on the public docket.

Respectfully Submitted,

Dated: January 4, 2018

SUSMAN GODFREY L.L.P.

By: /s/ *Krysta Kauble Pachman*

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